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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/23/2006

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EXAMINER

JOO, JOSHUA

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,474	MCINTYRE ET AL.	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Appeal Brief filed 11/21/2005

1. Claims 1-15 are presented for examination.
2. In view of the Appeal Brief filed on 11/21/2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Objections

3. Claims 2-10, and 12-15 are objected to because of the following informalities:
 - i) As per claims 2-10, the claims should cite the limitation of "The system" and not "A system" as the claims are dependent on the system of claim 1.
 - ii) As per claims 12-15, the claims should cite the limitation of "The method" and not "A method" as the claims are dependent on the method of claim 11.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2154

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) As per claim 2, "said computer" lacks proper antecedent basis. Is "said computer" referring to the limitation of "a user computer"?
- ii) As per claim 14, "the electronic address" lacks proper antecedent basis. Also, the limitation of "electronic address said digital media file" is not clear. Does Applicant mean, "electronic address of said digital media file"?

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al, US Patent #6,275,829 (Angiulo hereinafter), in view of Watanabe et al, US Patent #6,578,072 (Watanabe hereinafter).

8. As per claim 1, Angiulo teaches substantially the invention as claimed including a system for managing digital images. Angiulo's teachings comprising:

a device for creating an electronic icon (Col 7, lines 28-39. Create thumbnail.) and associating icon with information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party (Col 11, lines 36-49. Associate link to thumbnail for accessing original image by users.).

Art Unit: 2154

9. Angiulo teaches substantial features of the claimed invention including thumbnails associated to original images. However, Angiulo does not explicitly teach that the icon contains information allowing access and information unique to a particular user.

10. Watanabe teaches of thumbnails containing information unique to users (Col 7, lines 60-65; Col 8, lines 9-19) and information for allowing access to be included with the icon (Abstract; claim 1, Col 8, lines 8-19, 44-57; Col 9, lines 9-19, 34-42).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because both teachings deal with accessing images through thumbnails. Furthermore, the teachings of Watanabe to have icons containing information unique to users and information for allowing access would improve the system of Angiulo by distinguishing each thumbnail, thus allowing selective viewing of pictures by users as taught by Watanabe.

12. As per claim 11, Angiulo teaches substantially the invention as claimed including the method for managing digital images by a service provider on a computer of a user over a communication network. Angiulo teachings comprising:

creating an electronic icon (Col 7, lines 28-39. Create thumbnail.) and associating information for allowing access by a third party to a particular digital media file stored on said computer (Col 11, lines 36-49. Associate link to thumbnail for accessing original image for view by users.);

said service provider accessing said computer over said communication and locating digital media files having said icon associated therewith and allowing accessing to said digital media files by said third party (Col 9, lines 19-22. Original image stored on computer. Col 11, lines 46-49. Selecting thumbnail results in displaying original image.).

13. Angiulo teaches substantial features of the claimed invention including associating thumbnails with original images. However, Angiulo does not explicitly teach that the electronic icon contains information for allowing controlled access by a designated party or information unique to said user.

14. Watanabe teaches a system of managing images, in which thumbnails contain information unique to users (Col 7, lines 60-65; Col 8, lines 9-19); and information for allowing controlled access by a designated party (Abstract; claim 1, Col 8, lines 8-19, 44-57; Col 9, lines 34-42)

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because both teachings deal with accessing images through thumbnails. Furthermore, the teachings of Watanabe to have icons containing information unique to users and information for allowing access would improve the system of Angiulo by distinguishing each thumbnail, thus allowing selective viewing of pictures by users as taught by Watanabe, and by providing a specific method for associating the thumbnails with the original images.

16. As per claim 2, Angiulo teaches the system according to claim 1 wherein said device for creating said electronic icon comprises a user computer (Col 7, lines 45-57; Col 9, lines 10-26. User computer.). and said digital media file is stored in a memory device in said computer (Col 7, lines 30-32; Col 9, lines 20-22. Original image on computer.).

Art Unit: 2154

17. As per claim 4, Angiulo teaches the system according to claim 1 further comprising a communication device for transferring said digital media file from said user computer over said communication network (Col 9, lines 20-22. Image stored on computer. Col 11, lines 46-49. Display original image.).

18. As per claim 9, Angiulo teaches the system according to claim 2 wherein a service provider having access to said digital media file so as to obtain said icon and allow access in accordance with said information (Col 9, lines 5-10, 20-23. Thumbnail is associated with original image. Server has access to original image.).

19. As per claim 12, Angiulo teaches the method according to claim 11 wherein said information comprises instruction with respect to said digital image files (Col 11, lines 36-38. Link attribute for accessing the original image.).

20. As per claim 13, Angiulo teaches the method according to claim 12 wherein said instructions comprises forwarding said digital media file to said designated third party (Col 9, lines 5-23. Original image is displayed to a user.).

21. As per claim 14, Angiulo teaches the method according to claim 13, wherein said instructions comprises forwarding the electronic address of said digital media file to said designated third party such that said designated third party may directly access said digital media file (Col 11, lines 36-38. Link attribute for accessing the original image.).

Art Unit: 2154

22. Claims 3, 5-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of Tomat et al, US Patent #6,784,925 (Tomat hereinafter).

23. As per claim 3, Angiulo does not teach the system according to claim 1 wherein an electronic camera is used to create said electronic icon and automatically associates said electronic icon with digital image file captured by said electronic camera.

24. Tomat teaches of an electronic camera used to create thumbnails, e.g. icons, (Col 6, lines 9-19) and associates thumbnails with the full image files (Col 8, lines 1-12).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Tomat to use a camera to create thumbnails and associate the thumbnails with the full images would improve the efficiency of the system of Angiulo and Watanabe by allowing for the previewing images of the full-resolution image and providing another method of generating thumbnails.

26. As per claim 5, Angiulo teaches of providing instructions for further processing of said digital image (Col 11, lines 36-38. Link attribute for accessing the original image.). However, Angiulo does not teach that the instructions are specifically included with the electronic icon. Angiulo also does not teach the system, wherein said electronic camera has a communication device for transferring said digital media file to a service provider.

27. Watanabe teaches the concept of including information in a thumbnail (Col 7, lines 60-67; Col 9, lines 9-19).

Art Unit: 2154

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because the teachings of Watanabe to include information in the thumbnail would improve the system of Angiulo by providing direct association and identification of thumbnail and the original image.

29. Tomat teaches of transmitting camera images to a service provider (Col 13, line 66 – Col 14, line 6).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, Tomat because the teachings of Tomat to transmitting camera files to a service provider would enhance the system of Angiulo and Watanabe by allowing for the sharing of pictures taken from a camera.

31. As per claim 6, Angiulo does not teach the system according to claim 5 wherein said provider provides confirmation of receipt of said digital media file to said electronic camera.

32. Tomat teaches of providing a file upload status dialog, which indicates the transmission of files (Col 14, lines 18-28).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Tomat to provide a confirmation of receipt of the files would improve the user friendliness of the system of Angiulo and Watanabe by providing an indication of transmission of files so that the user does not have to resend files.

Art Unit: 2154

34. As per claim 8, Angiulo, Watanabe, and Tomat taught the system as according to claim 5. Angiulo further teaches wherein said instructions includes the automatically forwarding of said digital image file to a third party (Col 11, lines 36-49. Identify location of original image and display image.).

35. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe, and Tomat, in view of Motoyama, US Publication #2001/0054063 (Motoyama hereinafter).

36. As per claim 7, Angiulo does not teach the system according to claim 6 wherein said confirmation further includes confirmation of said instructions.

37. Motoyama teaches the concept of acknowledging the receipt of instruction data from an user (Claim 22).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, Tomat, and Motoyama because the teachings of Motoyama to acknowledge receiving instructions would improve the system of Angiulo, Watanabe, and Tomat by providing an indication that information was received to perform subsequent action.

39. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe, and Tomat, in view of Uchiyama, US Patent #6,731,341 (Uchiyama hereinafter).

40. As per claim 10, Angiulo does not teach the system according to claim 5 wherein said communication device is a wireless phone.

Art Unit: 2154

41. Uchiyama teaches that an electronic camera may be attached to a cellular phone (Col 12, lines 39-43).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Uchiyama to have camera attached to a cellular phone would improve the system of Angiulo, Watanabe, and Tomat by allowing images to transferred and/or uploaded to a server from various locations without the use of a terminal.

43. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of "Official Notice".

44. As per claim 15, Angiulo teaches that the digital media is a full sized original image.

45. Angiulo does not specifically teach that the digital media file is a low resolution copy of a higher resolution media file. However, "Official Notice" is taken by the Examiner that the concept of decreasing the resolution of a media file is well known in the art. It would have been obvious to one of ordinary skill in the art to decrease the full sized original image into a smaller resolution because doing so would provide a file of smaller size for storing, and for downloading to users.

Conclusion

46. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i) Lawton et al, US Patent #6,920,610, teaches of associating a thumbnail with a link, wherein the link is used the access the storage location of a full-sized image.

Art Unit: 2154

47. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.


48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 16, 2006

JJ

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